

SENATE, NO. 2267

[Senate, February 10, 2010 – New draft reported on Senate, No. 796 from the committee on Public Health



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

AN ACT RELATING TO SAFETY REGULATIONS FOR SCHOOL ATHLETIC PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Court assembled,

And by the authority of the same, as follows:

- 1 Chapter 111 of the General Laws is hereby amended by adding at the conclusion thereof
- 2 the following new section:
- 3 Section 223

4 This Section shall apply to all public schools within the Commonwealth and to any other
5 school in the Commonwealth whose athletic programs are subject to Massachusetts
6 Interscholastic Athletic Association rules.

7 The department shall direct the Division of Violence and Injury Prevention to develop an
8 interscholastic athletic Head Injury Safety Training program to be completed by the following
9 individuals: coaches, trainers and parent volunteers for any extracurricular athletic activity;
10 physicians who are employed by a school or school district, or who volunteers to assist with an
11 extracurricular athletic activity; directors responsible for a school marching band; and
12 a parent or legal guardian of a child who participates in an extracurricular athletic activity.
13 In developing said program, the department may use any of the materials readily available from
14 the Centers for Disease Control and Prevention and the American Red Cross. The safety training
15 shall include, but not be limited to current training in recognizing the symptoms of potentially
16 catastrophic head and neck injuries, concussions, and injuries related to second impact
17 syndrome.

18 As part of the interscholastic athletic Head Injury Safety Training program, school
19 districts shall provide to students participating in any extracurricular athletic activity the
20 following information; a summary of department rules and regulations relative to safety
21 regulations for student participation in extracurricular athletic activities; including protocol for
22 post concussion participation or participation in an extracurricular athletic activity after
23 becoming unconscious; and written information related to the recognition of symptoms of head
24 injuries, information regarding the biology and short-term and long-term consequences of
25 concussions.

26 The department shall develop forms to provide coaches with up-to-date information of
27 their athletes head injury history to enable them to identify those students who are at greater risk
28 for repeated head injuries. These forms would require students to provide information each
29 season relative to their sports head injury history prior to receiving clearance to participate in an
30 extracurricular athletic activity. These forms would require the signature of both the student and
31 their parent or legal guardian.

32 A coach, trainer or volunteer for an extracurricular athletic activity shall not encourage or
33 permit a student participating in the activity to engage in any unreasonably dangerous athletic
34 technique that unnecessarily endangers the health of a student, including using a helmet or any
35 other sports equipment as a weapon.

36 If a student participating in an extracurricular athletic activity becomes unconscious
37 during a practice or competition the student may not return to the practice or competition during
38 which the student became unconscious; or participate in any extracurricular athletic activity until
39 the student receives written authorization for such participation from a physician.

40 If a student, suffers a concussion as diagnosed by a medical professional, while
41 participating in an extracurricular athletic activity the student may not participate in any
42 extracurricular athletic activity until the student receives written authorization for such
43 participation from a physician.

44 The superintendent of the school district or the director of a school shall maintain
45 complete and accurate records of the district's or school's compliance with the requirements of
46 this section. A school that is determined by the school's superintendent or director to be out of
47 compliance with this section shall be subject to penalties as determined by the department.

48 This section does not waive any liability or immunity of a school district or its officers or
49 employees. This section does not create any liability for a course of legal action against a school
50 district, or its officers or employees.

51 A person who volunteers to assist with an extracurricular athletic activity is not liable for
52 civil damages arising out of an act or omission relating to the requirements of this section, unless
53 the act or omission is willfully or wanton negligent.

54 The departments shall promulgate rules and regulations to carry out the provisions of
55 section 223 of chapter 111 of the General Laws within 90 days of the effective date of this act;
56 provided that these regulations shall become effective for the fiscal year following final approval
57 of said regulations; provided, however, that not less than 12 months shall have elapsed between
58 final approval of the regulations and the date of implementation in order to provide sufficient
59 time to implement the regulations.